

**REMARKS**

Claims 1-35 are pending and under current examination. In the non-Final Office Action dated October 5, 2006, the Examiner took the following actions: rejected claims 1 and 16 under 35 U.S.C. § 101 as being subject to non-statutory subject matter; and rejected claims 1-35 under 35 U.S.C. § 102(e) as being anticipated by U.S. Published Patent Application No. 2006/0064330 to Sumino et al., ("*Sumino*").

**I. Rejection under 35 U.S.C. § 101**

Applicants respectfully traverse the rejection of claims 1 and 16 under 35 U.S.C. § 101. However to expedite prosecution, Applicants have amended claims 1 and 16. Applicants submit that amended claims 1 and 16 each provide a useful, concrete, and tangible result, and are therefore statutory.

**II. Admissibility of Reference under 35 U.S. 102(e)**

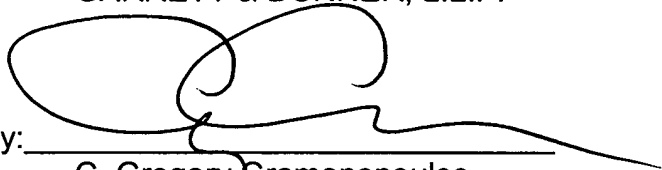
Applicants note that the current application is entitled to priority dates of March 31, 2003 and August 30, 2003 in accordance the properly filed PCT Applications PCT/EP03/04518 and PCT/EP03/03334, respectively. The *Sumino* reference applied by the Examiner has a PCT filing date of May 22, 2003. Both priority dates of the current application predate the *Sumino* filing date. Accordingly, *Sumino* is not valid prior art under 35 U.S.C. § 102(e), and the rejection should be withdrawn.

In view of the foregoing amendments and remarks, Applicants respectfully request reconsideration and reexamination of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.



Dated: December 15, 2006

By: \_\_\_\_\_

C. Gregory Gramenopoulos  
Reg. No. Reg. No. 36,532